

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL/REDEVELOPMENT AGENCY**

**MINUTES
October 11, 2011**

A regular meeting of the City Council/Redevelopment Agency of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday October 11, 2011.

0o0

This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

0o0

CALL TO ORDER

Mayor Pro Tem Ed Scott called the meeting to order at 5:00 p.m.

0o0

The roll was called and the following were present: Mayor Pro Tem Ed Scott and Council Members Deborah Robertson, Joe Baca Jr. Also present were City Administrator Michael Story, and City Clerk Barbara McGee. Mayor Grace Vargas was absent.

0o0

CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation. The City Council and Redevelopment Agency Board will discuss the following pending litigation pursuant to Government Code Section 54956.9(a):

(a) City of Colton v. American Promotional Events, Inc., et al.
United States District Court Case No. EDCV 09-01864 PSG (SSx)

(b) People of the State of California v. El Patio Restaurant & Nightclub, Inc., et al.
San Bernardino County Superior Court Case No.: CIVDS1005107

(c) Maria Elena Mercado Ruiz, et al. v. City of Rialto, et al.
United States District Court Case No.: EDCV 10-1639 VBF(JEMx)

CLOSED SESSION

2. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.6:

Agency negotiator: Brad Neufeld, GSNT

Employee organization: Rialto Police Benefit Association
Police Management Bargaining Unit
Mid-Management Bargaining Unit
General Bargaining Unit
CGMA Bargaining Unit
Fire Management Bargaining Unit
Firefighters Union Local 3688

0o0

Motion by Council Member Palmer, second by Council Member Robertson and carried by a 4-0 vote to go into Closed Session at 5:02 p.m. Mayor Vargas was absent.

City Council returned at 5:55 p.m.

0o0

CALL TO ORDER

Mayor Pro Tem Ed Scott called the meeting to order at 6:00 p.m.

0o0

The roll was called and the following were present: Mayor Pro Tem Ed Scott, Council Members: Ed Palmer, Joe Baca Jr., and Deborah Robertson. Also present were City Administrator Michael Story, City Attorney Jimmy Gutierrez and City Clerk Barbara McGee. Mayor Grace Vargas was absent.

0o0

Pledge of Allegiance and Invocation

Council Member Deborah Robertson led the pledge of allegiance and Bishop Craig W. Johnson – Cathedral of Praise gave the Invocation.

0o0

City Attorney's Report

City Attorney Gutierrez stated the City Council went into Closed Session and discussed the first item – Conference with Legal Counsel on existing litigation under Government Code Section 54956.9. 1(a) The City of Colton v. American Promotional Events. This is the City's perchlorate litigation; the City Council received an update and no action was taken. Item 1(b) People of the State of California v. El Patio Restaurant & Nightclub, Inc., et al. and (c) Maria Elena Mercado Ruiz, et al. v. City of Rialto, et al. both arising out of the El Patio Operation. City Council received a status report regarding settlement discussions in Federal Court. However the settlement agreement was not forwarded to them in a signed fashion. City Council therefore postponed consideration of that item until the next City Council Meeting. Item 2 was Conference with the City's labor negotiator Mr. Brad Neufeld under Government Code Section 54957.6 regarding all employee organizations. City Council heard a status report on negotiations. City Council received a proposed settlement agreement with the Firefighters Union Local 3688. City Council approved by a vote of 3-1. Council Member Robertson voted against it.

0o0

Council Member Robertson Comments

Council Member Robertson stated that her voting against this settlement agreement with Firefighters Union Local 3688 was not necessarily against the firefighters but more about she is concerned that as they negotiate and move forward with all of the units that they all have the same opportunities they see before them so they can minimize impacts of layoffs. It was to ensure they have equity for the other bargaining units.

0o0

Mayor Pro Tem Comments

Mayor Pro Tem Scott stated that was a big issue at the last City Council Meeting about laying off firefighters and cutting services. He challenged them to come to the table and meet with them again to resolve issues. He commended the Firefighters Union for coming to the table and negotiating with them in good faith. He thanked Council Member Palmer for assisting and Mr. Story and Mr. Steel. They were able to not have to layoff some firefighters. Additionally they got some concessions he believes are in the best interest of the city.

0o0

PRESENTATION

Tom Hernandez of San Bernardino County Homeless Partnership gave a PowerPoint presentation regarding the Partnership with various organizations to address the issues of homelessness.

0o0

CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

0o0

B. APPROVAL OF WARRANT RESOLUTIONS

1. Resolution No. 10 (9/9/11)
2. Resolution No. 11 (9/16/11)

0o0

C. MISCELLANEOUS

1. Request City Council to adopt **Resolution No. 6058** excusing Mayor Grace Vargas from attendance at City Council Meetings.
2. Request City Council to approve proposed Modification Number 3 for the Down Payment Assistance Guidelines as part of the Neighborhood Stabilization Program.
3. Request Redevelopment Agency/City Council to adopt **Resolution No. 6059** making a finding that planning and administrative expenses are necessary and reasonable and may be funded from the Low-to-Moderate Income Housing Fund for Fiscal Year 2011/12.

0o0

Motion by Council Member Palmer, second by Council Member Baca Jr. and carried by a 4-0 vote to approve the Consent Calendar as presented. Mayor Vargas was absent.

0o0

NEW BUSINESS

TAB 1 – Proposed Ordinance for the 2010 Edition of California Fire Code

Interim Fire Chief Ballard requested adoption of the 2010 Edition of the California Fire Code amendments. Approximately every three years the State of California adopts a new fire code. Because the State is such a diverse climate and topography they allow local jurisdictions to adopt amendments to the Code. Those amendments have to be based on one of three things. The topography, geographical conditions or the climatic conditions. When the new Fire Code was first introduced the local fire departments got together and formed a committee to develop certain amendments. Rialto Fire was a part of that committee and they worked with them to develop those amendments. The amendments tonight are an effort to make uniformity in regions so there are similar regulations.

0o0

NEW BUSINESS

TAB 1 – Proposed Ordinance for the 2010 Edition of California Fire Code

City Attorney Gutierrez read the title of the Ordinance:

ORDINANCE NO. 1491

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, DELETE IN ITS ENTIRETY TITLE 15, CHAPTER 15.28, OF THE RIALTO MUNICIPAL CODE TO ADOPT A NEW TITLE 15, CHAPTER 15.28 AND ADOPT BY REFERENCE AND AMEND THE 2010 EDITION OF THE CALIFORNIA FIRE CODE, FEES AND PENALTIES, THE CALIFORNIA CODE OF REGULATIONS, TITLE 19 AND 24, AND OTHER RELATED CODES.

0o0

Motion by Council Member Palmer, second by Council Member Robertson and carried by a 4-0 vote to introduce and pass to second reading of proposed **Ordinance No. 1491** to amend Chapter 15.28 of the Rialto Municipal Code (RMC) by adoption of the 2010 Edition of the California Fire Code and adopt **Resolution No. 6060** approving findings of local necessity. The vote was: AYES: Mayor Pro Tem Scott, Council Members: Robertson, Palmer and Baca Jr. NOES: none. ABSTAIN: none. ABSENT: Mayor Vargas.

0o0

TAB 2 – Construction Contract for installation of a traffic signal at Valley and Cactus

Ahmad Ansari, Public Works Director/City Engineer stated that this is a request for City Council to award a Construction Contract to Sierra Pacific Electrical Contracting Co. for a new traffic signal at Valley Blvd. and Cactus Ave. intersection. Traffic Engineering has developed and maintains a priority rating system for all traffic signals warranted locations throughout the City. By doing so the goal is to maintain traffic safety for both motorists and pedestrians. The next one in the CIP of high priority locations is the Valley/Cactus intersection next to the elementary school that is being built. The signal is a jointly funded project with Colton Joint Unified School District where they will reimburse the City for 50% of the design and construction costs. The City will take over its maintenance as the 83rd traffic signal in the city. Twelve bids were received. The lowest bid was submitted by Sierra Pacific Electrical in the amount of \$237,854.00. A construction time of 90 calendar days is specified and will start in December. Funds are budgeted and available in Measure I funding.

0o0

Motion by Council Member Robertson, second by council Member Baca Jr. and carried by a 4-0 vote award a Construction Contract to Sierra Pacific Electrical Contracting for installation of a traffic signal at the Valley Blvd. and Cactus Avenue intersection in the amount of \$237,854.00. Mayor Vargas was absent.

0o0

ORAL COMMUNICATIONS

0o0

June Hayes, P.O. Box 2395, gave an update regarding the Commissioning phase at the Wastewater Treatment Plant. There are some glitches. They have had issues with the plumbing system of the FOG.

0o0

Lynn Boshart, 5529 Larch Ave., read a Press Release that came out today regarding the Lytle Creek Ranch Project.

0o0

Rafael Trujillo, representative for Congressman Baca extended an invitation to a Men's Health event focused around prostate cancer awareness. This will take place on November 10 at Julia Palms Senior Apartments.

0o0

REPORTS

Council Member Palmer stated that he is glad to be there tonight.

0o0

Council Member Baca Jr. wished Council Member Palmer well and a speedy recovery.

He attended the Fire Dept Open House, a good public outreach.

He congratulated Carter High School and Rialto High School Football Teams. They are both 2-0 in the league.

He concurred with Mayor Pro Tem Scott on no layoffs in the Fire Dept and he appreciates them working through it.

0o0

Council Member Robertson acknowledged Council Member Palmer for being there tonight.

She wished Council Member Baca Jr. a belated birthday.

0o0

Mayor Pro Tem Scott told Council Member Palmer that he is glad to see him tonight. For those that don't know, after the City Council Meeting two weeks ago he proceeded to have a heart attack. He did the one thing no one should ever do, he had a family member drive him to the hospital. He should have called Rialto Fire to transport him.

Regarding the Consent Calendar Item C-1, Mayor Vargas will be on a Leave of Absence through December 13th. She is still ill and their prayers are with her.

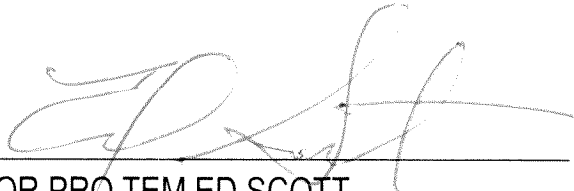
0o0

ADJOURNMENT

Motion by Council Member Robertson, second Council Member Baca Jr. and carried by a 4-0 vote to adjourn the City Council Meeting. Mayor Vargas was absent.

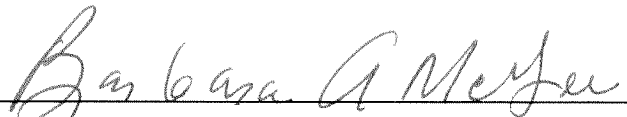
The City Council adjourned at 6:35 p.m.

0o0



MAYOR PRO TEM ED SCOTT

ATTEST:



CITY CLERK BARBARA A. MCGEE